COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: October 23, 2015

FROM: DAVID E. HALM, COMMANDER
EAST PATROL DIVISION

TO: PATRICK J. VALDEZ, CAPTAIN
PICO RIVERA STATION

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS

Case Number:	SH2372242
Incident:	Non Hit Shooting
Incident Date:	December 23, 2014
Unit:	Pico Rivera Station
Suspect:	[redacted] MH/[redacted]
Involved Employees:	Deputy Michael Pellicano #[redacted] Deputy Andrew DeBondt #[redacted]
EFRC Date:	October 22, 2015

The Executive Force Review Committee (EFRC) consisting of Commanders David E. Halm, Kelley S. Fraser, and Eddie Rivero met and reviewed the above case.

FINDINGS:

The EFRC determined the use of deadly force was within policy; however, the tactics were in violation of the Department's Performance to Standards as it relates to the Foot Pursuit policy.

RECOMMENDATIONS:

The EFRC recommended that Deputies Pellicano and DeBondt receive a 3-day suspension.

DEH:JRB:jrb

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 12/23/2014	Bureau/Station/Facility: Pico Rivera Station	Admin. Invest.? ☐ Hit? ☐

Incident Information

URN: 914-09431-1575-145	Date: 12/23/2014 Time: 1816 Hours
City or Station: Pico Rivera Station	Nature of Incident: Dep. Pellicano was in foot pursuit of an armed subject. Subject pulled gun from his pocket and turned toward Dep. Pellicano. Dep. Pellicano fired 3 rounds, no hit. Subject is in custody.
Location: 10826 Whittier Blvd., Whittier, CA. 90606	

Location Type (check one or more):
- ☐ Backyard
- ☐ Beach
- ☑ Business
- ☐ Freeway
- ☐ Industrial
- ☐ Park
- ☐ Parking Lot
- ☐ Residence
- ☐ Rural
- ☐ School
- ☑ Street
- Other:

Lighting (check only one):
- ☑ Darkness
- ☐ Daylight
- ☐ Other
- ☐ Street Lights

Weather (circle only one):
- ☑ Clear
- ☐ Cloudy
- ☐ Fog
- ☐ Rain

Distance: 10-15 Feet

Incident Type (check one or more):
- ☐ Accidental
- ☑ Armed Person
- ☑ Fleeing Suspect
- ☑ Foot Pursuit
- ☐ Gun Take Away
- ☐ Moving Vehicle
- ☐ Sniper/Ambush
- ☐ Startle
- ☐ Struggle Involved
- ☐ Traffic Stop
- ☐ Unarmed Person
- ☐ Unintentional
- ☐ Vehicle Pursuit
- ☐ Warrant Service
- ☐ Warning Shot
- Other:

Initiated by (check only one):
- ☐ Arrest Warrant
- ☐ Call
- ☑ Observation
- ☐ One Person Unit
- ☐ Other
- ☐ Search Warrant
- ☐ Two Person Unit

Prior Activity (check only one):
- ☐ Detective
- ☐ Inmate Transport
- ☐ Other
- ☑ Routine Patrol

Aero Unit? ☐ Canine Unit? ☐

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
3	0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (check only one)	ShiftType (check only one)
[redacted]	De Bondt	Andrew	G.	☐ EM ☑ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty
				☐ EM ☐ PM ☐ Day	☐ Regular ☐ Overtime ☐ Off Duty
				☐ EM ☐ PM ☐ Day	☐ Regular ☐ Overtime ☐ Off Duty

Non-Employee Witnesses

Last Name [redacted]

Street Address [redacted]

Last Name [redacted]

Street Addr[redacted]

Last Name [redacted] M.I.

Street Addre[redacted]

Supervisors

Employee #	Last Name	First Name	M.I.	(check one or more)
[redacted]	Crosthwaite	Harvey	M.	☑ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting
[redacted]	Arias	Eric	A.	☑ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Serrano	Andrew	M.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Villanueva	Alexandro	

PSTD Use Only
SH # 2372242

Officer Involved Shooting

RN: 914-09431-1575-145

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
12/23/2014	2041		

Employee #	Last Name	First Name	M.I.
[redacted]	Ybarra	J. Carlos	M.
[redacted]	Diez	Justin	R.
[redacted]	Carter	Quitman	V.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S1	E1	RS					NN	
S1	E1	FH	JE	22	N	N	NN	
E1	S1	FH	SW	9	Y	Y	NN	

Officer Involved Shooting
Involved Employee Information

URN: 914-09431-1575-145

Involved Employee

E 1

Employee #	Last Name	First Name	M.I.
[redacted]	Pellicano	Michael	D.

Sex: M Race: W | Rank: Deputy Sheriff | Unit Assignment: Pico Rivera | Work Assignment (Unit #, Module, etc.): 152K1

ShiftTime (*circle only one*): [ ] EM [✓] PM [ ] Day | ShiftType (*circle only one*): [✓] Regular [ ] Overtime [ ] Off Duty | Intoxication/Drug Usage? [ ] | Substance Used:

Hospital Admission? [ ] | Hospital Name: | Coroner Case? [ ] | Coroner Case #: | Interviewed? [ ]

Hrs of sleep prior to shooting: 8 | Duty [redacted]

Age: [redacted] Height: 5' 07" Weight: 165 lbs

Clothing (*circle only one*): [ ] Plain Clothes no Vest [ ] Plain Clothes w/ Vest [ ] Raid Jacket no Vest [ ] Raid Jacket w/ Vest [ ] Uniform no Vest [✓] Uniform w/ Vest

Other Factors:

Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted]

Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? [redacted] | Number of Prior Shootings: [redacted] | Directed Force: [redacted]

Weapons Fired Brand: S&W, M&P Caliber: 9 # Shots: 3 | Weapons Fired Brand: Caliber: # Shots:

Field Training Officer Emp # [redacted]

Field Training Officer Emp # [redacted]

E

Employee # | Last Name | First Name | M.I.

Sex: Race: | Rank: | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): [ ] EM [ ] PM [ ] Day | ShiftType (*circle only one*): [ ] Regular [ ] Overtime [ ] Off Duty | Intoxication/Drug Usage? [ ] | Substance Used:

Hospital Admission? [ ] | Hospital Name: | Coroner Case? [ ] | Coroner Case #: | Interviewed? [ ]

Hrs of sleep prior to shooting: | Duty Time (hrs):

Age: Height: Weight:

Clothing (*circle only one*): [ ] Plain Clothes no Vest [ ] Plain Clothes w/ Vest [ ] Raid Jacket no Vest [ ] Raid Jacket w/ Vest [ ] Uniform no Vest [ ] Uniform w/ Vest

Other Factors:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? [ ] | Patrol Certification? [ ] | Certification Unit: | Prior Shootings? [ ] | Number of Prior Shootings: | Directed Force: [ ]

Weapons Fired Brand: Caliber: # Shots: | Weapons Fired Brand: Caliber: # Shots:

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

E

Employee # | Last Name | First Name | M.I.

Sex: Race: | Rank: | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): [ ] EM [ ] PM [ ] Day | ShiftType (*circle only one*): [ ] Regular [ ] Overtime [ ] Off Duty | Intoxication/Drug Usage? [ ] | Substance Used:

Hospital Admission? [ ] | Hospital Name: | Coroner Case? [ ] | Coroner Case #: | Interviewed? [ ]

Hrs of sleep prior to shooting: | Duty Time (hrs):

Age: Height: Weight:

Clothing (*circle only one*): [ ] Plain Clothes no Vest [ ] Plain Clothes w/ Vest [ ] Raid Jacket no Vest [ ] Raid Jacket w/ Vest [ ] Uniform no Vest [ ] Uniform w/ Vest

Other Factors:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? [ ] | Patrol Certification? [ ] | Certification Unit: | Prior Shootings? [ ] | Number of Prior Shootings: | Directed Force: [ ]

Weapons Fired Brand: Caliber: # Shots: | Weapons Fired Brand: Caliber: # Shots:

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 914-09431-1575-145

Suspect Information

S 1

Last Name [redacted]			
AKA Last Name [redacted]	First Name		M.I.
Sex: M Race: Hispanic	Street Address [redacted]		
Work Phone [redacted]	Home Phone [redacted]	Social Security #:	Driver's License [redacted]
Age: 17 D.O.B [redacted]	Height: 5' 7" Weight: 125	FBI # [redacted]	CII # [redacted]
Booking # [redacted]	Primary Charge: 69 PC	Secondary Charge: 417.8 PC	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☑	Apprehended? ☑	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make N/A		Model:	Year:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT:	**Deputy Involved Shooting - Non-Hit**
IAB FILE NUMBER(S):	**SH 2372242**
URN#:	**914-09431-1575-145**
DATE / TIME:	**Tuesday, December 23, 2014 / 1820 Hours**
LOCATION:	**10826 Whittier Blvd, Whittier CA 90606**
INVOLVED PERSONNEL:	**Deputy Michael Pellicano, #[redacted]** **Pico Rivera Station**
SUSPECT:	**[redacted] MH/17** **DOB: [redacted]**

OPENING STATEMENT

On Tuesday, December 23, 2014, Sergeants Carlos Ybarra, Justin Diez and [redacted] along with Lieutenant Quitman Carter of the Internal Affairs Bureau responded to the Command Post on Norwalk Boulevard and Reichling Lane, in Whittier, regarding an On-Duty Non-Hit Shooting. There were no injuries as a result of the deputy involved shooting. Attorney Walter Katz of the Office of the Inspector General was notified and responded to the scene.

SYNOPSIS

On Tuesday, December 23, 2014, Deputies Michael Pellicano #[redacted] and Andrew De Bondt #[redacted] were working together on PM shift as unit 152K1 out of Pico Rivera Station. That night, their assignment was a saturation patrol no-call car. Both deputies were in uniform in a marked patrol car driven by Deputy Pellicano. Around 1820 hours, the deputies saw a black Chrysler 300 (CA/[redacted]) with tinted windows illegally parked on the south sidewalk, in front of 10818 Whittier Boulevard. The deputies decided to check the vehicle regarding a possible criminal violation. Deputy Pellicano pulled in behind the Chrysler 300. Both deputies exited their radio car and approached the vehicle on foot. Deputy Pellicano made his approach on the driver's side of the Chrysler 300.

As the deputies approached the vehicle, they saw it was unoccupied. Deputy Pellicano noticed Subject [redacted] standing about 10 feet away from the driver's side of the Chrysler 300, next to a bus stop sign.

IAB Note: The bus stop was for the Montebello bus lines and was near the curb line in front of a closed business at 10826 Whittier Boulevard. This location is part of a structure with three addresses on Whittier Boulevard: 10818, 10826 and 10834 Whittier Boulevard. There were no visible street facing cameras on any of the three locations. The businesses at 10818 and 10826 Whittier Boulevard were vacant. The business at 10834 Whittier Boulevard belonged to "Pro Green Janitorial Service" and was also vacant. A directory search revealed no contact information for "Pro Green Janitorial Service."

Deputy Pellicano approached Subject [redacted] and asked if he owned the car. Subject [redacted] replied it was not his car and that he was waiting for a bus. Subject [redacted] appeared abnormally nervous. He was wearing baggie clothing and had gang tattoos on his hand. Deputy Pellicano requested consent to conduct a pat down search and Subject [redacted] agreed.

IAB Note: In his interviews with Pico Rivera Station detectives and IAB investigators, Subject [redacted] admitted to being a member of the "Dead End Locos" which is a verified criminal street gang. Refer to Detective [redacted] and OSS Detective Stephen Valenzuela's supplemental reports in **Exhibit A** and Subject [redacted] transcribed interviews for further.

During the search, Deputy Pellicano felt a handgun in Subject [redacted] right front pants pocket. Subject [redacted] realized the deputy had found the gun in his pants pocket and broke free from Deputy Pellicano's cursory search grasp. The subject immediately ran east on Whittier Boulevard. Deputy Pellicano told Deputy De Bondt that Subject [redacted] had a gun. The deputies initiated a two man foot pursuit which covered an approximate distance of 80 yards starting near the bus stop sign in front of the business at 10826 Whittier Blvd, and continuing east along the southern curb line and sidewalk of Whittier Boulevard. The foot pursuit lasted approximately 7 to 10 seconds.

During the pursuit, Deputy Pellicano saw Subject [redacted] trying to pull the handgun from his pocket and look over his right shoulder back toward the deputies. Deputy De Bondt also saw Subject [redacted] pulling the silver grip of a gun from his right pants pocket. Deputy Pellicano believed he and his partner were about to be shot by Subject [redacted] Fearing for their safety, Deputy Pellicano fired three rounds from his Department issued Smith and Wesson M&P 9mm semiautomatic pistol at the subject. None of the three rounds fired by Deputy Pellicano hit Subject [redacted] After the third shot, Subject [redacted] stopped running and went down to the ground on the sidewalk of Whittier Boulevard. Refer to the aerial picture of the approximate route of the foot pursuit and the crime scene photographs in **Exhibit B** for further.

Neither Deputy Pellicano nor Deputy De Bondt broadcast their foot pursuit. While they handcuffed the subject, Deputy De Bondt broadcast they were detaining a "417" suspect and requested additional units to respond to their location. Seconds later, Sergeant Eric Arias #[redacted] arrived on scene and was informed by the deputies that they had been in a foot pursuit and that Deputy Pellicano had fired his weapon three times at Subject [redacted] Sergeant Arias immediately broadcast that there had been a deputy involved shooting and that no one was injured. Sergeant Arias then took control of the crime scene. Refer to the audio of Deputy De Bondt and Sergeant Arias' radio traffic in **Exhibit C** for further.

> **IAB Note:** A copy of the Foot Pursuit Evaluation Form completed by Sergeant Harvey Crosthwaite #[redacted] is included in this investigation as **Exhibit D**.

Subject [redacted] was taken into custody and a pistol was recovered from his right front pants pocket. The subject's pistol was a silver colored .22LR caliber, Bryco Arms, model "Jennings J-22" pistol, serial #[redacted] There were no bullets in Subject [redacted] gun. The subject's gun was subsequently recovered by Crime Lab personnel and processed as evidence. Refer to the Crime Scene Investigation reports in **Exhibits E, F** and **G** for further.

No physical force was used upon the subject during his arrest. Subject [redacted] was transported to Whittier Presbyterian Hospital (12401 Washington Boulevard in Whittier) where he was treated by Doctor Samuelson for a complaint of pain to his left shoulder. Subject [redacted] stated to IAB investigators that he had a pre-existing shoulder injury that he aggravated when he laid down on the ground and by the position of his arms behind his back while he was handcuffed. A copy of Subject [redacted] medical records regarding his "OK to Book" from Presbyterian Intercommunity Hospital is provided in this investigation in **Miscellaneous Documents**.

Subject [redacted] was arrested and booked for Resisting an Executive Officer, 69 PC, Brandishing a Weapon, 417.8 PC, and Carrying a Concealed Firearm, 25400 (a)(2) PC. Subject [redacted] was subsequently transferred to Los Padrinos Juvenile Hall for housing.

It was determined Deputy Pellicano's three 9mm rounds were shot in the direction of a wooden residential fence which was entirely covered in leafy shrubs on the south side of Whittier Boulevard. The wooden fence forms the rear boundaries to the back yards of the homes located on the residential street south of Whittier Boulevard (10919-10935 See Drive, Whittier). The expended rounds were not located. A search of the area for witnesses was conducted and it was determined that no injuries were sustained by the residents in the neighborhood south of the wooden fence. Refer to the supplemental reports by canvassing deputies in **Exhibit A** for further.

Three shell casings from Deputy Pellicano's 9mm pistol were recovered from the path of the foot pursuit by Crime Lab personnel and processed as evidence. Refer to the crime scene photographs in **Exhibit B** and Crime Scene Investigation reports in **Exhibits E** and **F** for further. Crime Lab Deputy Ray Davidson authored a Crime Scene Sketch

depicting the location of the three shell casings which is included in this investigation as **Exhibit H**.

Pico Rivera Station Detective [redacted] #[redacted] responded and took over the criminal investigation. Deputies Pellicano and De Bondt wrote supplemental reports regarding the force used and force witnessed. The neighborhood where the incident occurred was canvassed for witnesses by Pico Rivera Station personnel. Several civilian witnesses were identified who heard the shots fired but did not see the shooting. None of the civilian witness observed Deputies Pellicano's and De Bondt's interaction with Subject [redacted]

INVOLVED PERSONNEL

Pellicano, Michael, Deputy #[redacted]
South Patrol Division / Pico Rivera Station

Work History

Pellicano, Michael

Date of Employment:	June 14, 2001
Date Assigned to Patrol:	March 21, 2010
Date Completed Patrol Training:	[redacted]
Date Assigned to Pico Rivera Station:	September 2, 2012
Prior Shooting Incident(s):	[redacted]
Prior Founded Force:	

Equipment

Oleoresin Capsicum (OC) Spray

SUSPECT

[redacted] MH/17 Booking #[redacted]
Subject [redacted] is an admitted gang member from the Whittier street gang "Dead End Locos" with a moniker of [redacted] Subject [redacted] has a criminal record. A check of CCHRS revealed that Subject [redacted] (CII #[redacted]) was arrested once before [redacted] Refer to CCHRS and RAPS printouts included in this investigation under **Exhibit A**.

WITNESSES

Sworn:

De Bondt, Andrew, Deputy #[redacted]
South Patrol Division / Pico Rivera Station

Civilian:

IAB NOTE: Several of the neighboring houses and businesses were canvassed for additional witnesses. Many of the civilians who were contacted on December 23, 2014, only heard the sound of the shots and were not eyewitnesses to the foot pursuit or shooting incident. Their statements are documented in supplemental reports under **Exhibit A**. [redacted] and [redacted] were the only civilians contacted on the night of the incident who saw Deputies Pellicano and De Bondt prior to the foot pursuit and shooting. [redacted] was contacted because she heard a male voice yelling prior to the shooting. Refer to pages 16 - 18 for summaries of the below interviews.

[redacted]

INJURIES

Subject [redacted] was not hit by gunfire during this incident and no force was used upon him. Subject [redacted] stated he had a pre-existing left shoulder injury that he aggravated when he put himself on the sidewalk. Subject [redacted] was taken to Presbyterian Intercommunity Hospital where he was medically treated by Physician Assistant David Samuelson and cleared for booking. After examining Subject [redacted] P.A. Samuelson said there was no dislocation of the subject's left shoulder and it was

possibly sprained only. P.A. Samuelson did not see any evidence of fractures and or swelling.

No deputies were injured during this incident.

PHYSICAL EVIDENCE

All of the physical evidence was processed and collected by personnel from the Crime Laboratory. Three shell casings ejected from Deputy Pellicano's 9mm pistol were recovered from the southern sidewalk and roadway of Whittier Boulevard near an alley east of 10826 Whittier Boulevard (location). There were no bullets or fragments discovered at the scene of the shooting. Subject [redacted] pistol was also processed and collected by Crime Laboratory personnel at the location. Refer to the crime scene photographs taken by Crime Laboratory personnel in **Exhibit B**, the Crime Scene Investigation Report by Forensic Identification Specialist David Alonso detailing his collection of evidence in **Exhibit E**, and the crime scene sketch by Deputy Ray Davidson in **Exhibit H** for further.

INVESTIGATOR OBSERVATIONS

The physical evidence at the location of the incident (position of Deputy Pellicano's shell casings, the subject's gun and all other evidence collected at the scene) appeared to be consistent with Deputies Pellicano's and De Bondt's and Subject [redacted] versions of events. Refer to **Exhibit B** for the crime scene photographs.

WEAPONS USED BY DEPUTY PERSONNEL

Deputy Pellicano

Service Weapon Type:	Department issued Smith and Wesson semi-automatic pistol, Model M&P, 9mm, Serial #HPS[redacted] with "Crimson Trace" laser grip.
Rounds Fired:	Three
Type of Ammunition Used:	WIN 9mm Luger
Date Employee Last Qualified:	November 13, 2014

IAB NOTE: An examination of Deputy Pellicano's firearm by Internal Affairs Bureau investigators indicated he had shot a total of three rounds. Upon inspection after the incident, Deputy Pellicano's firearm had a chambered round and the magazine in the gun had fourteen rounds. Deputy Pellicano carried two other magazines which were fully loaded with seventeen rounds each. The firearm was examined by Scientific Services Firearms Identification Unit and found to be functional. Refer to Scientific Services Supplemental report in **Exhibit J** for further. Three expended 9mm casings were recovered at the scene. See the Criminal Scene Investigation Report in **Exhibit E** for further.

WEAPONS USED BY SUBJECT

Subject [redacted] was in possession of a Bryco Arms, Model "Jennings J-22", .22LR caliber, serial # [redacted] chrome, semi-automatic handgun. The firearm was loaded with an empty black magazine. There was no bullet in the chamber of the weapon. Refer to crime scene photographs of Subject [redacted] firearm in **Exhibit B** and Scientific Services Bureau supplemental report in **Exhibit G** for further. The firearm was recovered from Subject [redacted] right front pocket. An unusable fingerprint was discovered on the side of the black magazine from Subject [redacted] firearm. Refer to **Exhibit K** for further.

> **IAB Note:** Per Scientific Services Bureau Deputy Steven Thomas # [redacted] the fingerprint was not suitable for comparison or entry into the fingerprint database due to lack of enough detail in the fingerprint.

PROPERTY DAMAGE

There was no property damage observed at the scene of the shooting. There were no marks or holes from bullet impacts discovered at the scene of the shooting.

CRIMINAL INVESTIGATOR / CHARGES FILED

Investigators:	Detective [redacted] # [redacted] Pico Rivera Station
Court:	Los Padrinos Juvenile Courthouse
Charges:	69 PC - Resisting an Executive Peace Officer 417.8 PC - Brandishing a Firearm with Intent to Resist Arrest 25400(A)(2) PC - Carrying a Concealed Firearm
Court Date:	December 26, 2014

On December 26, 2014, a felony petition of Possession of a Firearm by a Minor, 29610 PC, was filed on Subject [redacted] under case #VJ44753.

On March 5, 2015, Subject [redacted] plead guilty to one count of a Possession of a Firearm by a Minor, 29610 PC. The remaining counts were dismissed as part of a plea negotiation. Subject [redacted] received a sentence of five to seven months at a Juvenile camp. See **Exhibit I** for further.

LIGHTING AND WEATHER CONDITIONS

The incident occurred during night time hours (1820 hours). The sun had set at approximately 1649 hours on December 23, 2014. The bus stop sign in front of the business at 10826 Whittier Boulevard, where Subject [redacted] was initially contacted by Deputy Pellicano, was lit by indirect light from a patrol car head lamps/alley lamps and ambient lighting from the "Super 8" gas station approximately fifty feet to the east (10802 Whittier Boulevard). Ambient lighting was also provided by the business on the

north side of Whittier Boulevard: "Auto Care Center" located at 10807 Whittier Boulevard and [redacted] located at [redacted] There was no lighting from the business at 10826 Whittier Boulevard. Progressing east along the path of the foot pursuit, the lighting is reduced to near darkness. There was an overhead street light further east of the terminus of the foot pursuit on the south side of Whittier Boulevard but it was off throughout the duration of the scene investigation. There are overhead street lights on the north side of Whittier Boulevard which cycled on and off at approximately ten minute intervals. When the overhead street lights are off, the area of the southern sidewalk of Whittier Boulevard is in near total darkness. The weather was clear on the night of the incident. Refer to the crime scene photographs in **Exhibit B** for further.

INVOLVED EMPLOYEE STATEMENT

Involved Deputy Michael Pellicano, #[redacted] was interviewed by Internal Affairs Bureau Sergeants Carlos Ybarra and Sonja Bracken on March 10, 2015, at 1022 hours. Deputy Pellicano was represented by Audra Call of the Law Offices of Green and Shinee. The interview was conducted at the Internal Affairs Bureau and was digitally recorded and transcribed. The following is a summary of his interview in combination with his supplemental report which is included in this investigation in **Exhibit A**.

Deputy Pellicano said he was working on PM shift with his partner, Deputy Andrew De Bondt, as unit 152K1, in a no-call car on December 23, 2014. Deputy Pellicano was the driver and Deputy De Bondt was the passenger. That night, their duties were to provide saturation patrol in the vicinity of Norwalk Boulevard and Whittier Boulevard in response to a spate of recent robberies and gang activity in the area.

Deputy Pellicano drove his radio car out of a gas station on the southeast corner of Norwalk Boulevard and Whittier Boulevard. He drove onto eastbound Whittier Boulevard and saw a black Chrysler 300 parked on the sidewalk directly to the east of the gas station.

> **IAB Note:** The "Super 8" gas station is located on the southeast corner of Norwalk and Whittier Boulevards at 10802 Whittier Boulevard in Whittier.

The black Chrysler 300 was parked on the southern sidewalk of Whittier Boulevard facing east. Deputy Pellicano said the Chrysler looked clean, shiny and had dark tinted windows. He thought it was strange that anyone would park a car on the sidewalk so he pulled his radio car onto the sidewalk behind the black Chrysler to investigate. Deputy Pellicano could not tell if the vehicle was occupied. He exited his radio car and walked up the driver's side of the Chrysler while Deputy De Bondt approached on the passenger side of the vehicle.

> **IAB Note:** The black Chrysler 300, CA/[redacted] was registered to Witness [redacted] and was parked on the sidewalk in front of a closed business at 10818 Whittier Boulevard. Witness [redacted] stated he parked his car on

the southern sidewalk of Whittier Boulevard and walked across the street to his [redacted] at '[redacted]. About fifteen minutes later, Witness [redacted] saw a deputy walking up to his vehicle. Witness [redacted] walked back into the [redacted] When he came back out to move his car, he saw numerous deputies in the street and a male Hispanic in handcuffs being escorted to a radio car. Refer to Witness [redacted] transcribed interview for further.

As he was looking inside the Chrysler to see if it was occupied, Deputy Pellicano saw a male (Subject [redacted]) facing to the west standing by a bus stop sign ten to fifteen feet away from the black Chrysler. He approached the male and asked him if the Chrysler belonged to him. Subject [redacted] said the vehicle was not his and that he was waiting for the bus. Deputy Pellicano said Subject [redacted] had a gang tattoo on his right hand and was wearing baggy clothing. The subject also appeared to be nervous. Subject [redacted] eyes were wide and his voice was high and shaky when he answered Deputy Pellicano's questions. Deputy Pellicano thought Subject [redacted] may have been a gang member and asked him for consent to conduct a pat down search.

IAB Note: As noted above, Subject [redacted] is an admitted member of the Whittier street gang the "Dead End Locos." On the night of his arrest, Subject [redacted] was wearing oversized black "Dickie" shorts with a cloth belt which had a metal buckle with the letter "D" on it. Refer to photographs of Subject [redacted] clothing in OSS Detective Steven Valenzuela's supplemental report in **Exhibit A** for further.

Subject [redacted] agreed to be searched. Deputy Pellicano conducted a pat down search of the subject by the bus stop sign and they both faced to the northeast. Deputy Pellicano recalled that as he prepared to search the subject, Deputy De Bondt was walking behind them by the Chrysler. Deputy Pellicano said he conducted the pat down search of the suspect the way he was taught in the Academy. He placed the subject's hands behind his back and had the subject interlock his fingers. When grabbing onto the subject's hands, Deputy Pellicano said he was mindful to not injure Subject [redacted] fingers. Deputy Pellicano further explained that Subject [redacted] feet were spread slightly apart and his body was leaning back a little to have him off balance.

As soon as he started to pat down the outside of Subject [redacted] right front pants pocket, Deputy Pellicano felt and instantly recognized the heavy metal "L" shape of a gun. Deputy Pellicano recalled feeling the contours and ridges of the gun in Subject [redacted] pants pocket.

Deputy Pellicano stated he could feel a physical reaction in Subject [redacted] at the moment the gun was discovered in his pants pocket. He could feel the subject begin to panic by tensing his body and looking about with wide eyes for a way to escape. Before he could turn to warn his partner about finding a gun in the subject's pocket, Subject [redacted] broke free from Deputy Pellicano's grasp and ran east in the street along the south curb line of Whittier Boulevard. Deputy Pellicano yelled over to Deputy De Bondt

advising him that the subject had a gun.

> **IAB Note:** Deputy De Bondt said he was standing on the passenger side of the black Chrysler when he heard Deputy Pellicano say the subject had a gun. Deputy De Bondt then went running after Subject [redacted] behind Deputy Pellicano.

Knowing that Subject [redacted] was armed, Deputy Pellicano feared the subject might run into the nearby residential area and possibly take a hostage or attempt to carjack a motorist on Whittier Boulevard in order to escape. Deputy Pellicano also saw Subject [redacted] as a possible gang member with a gun and a danger to the public. Deputy Pellicano immediately gave chase thinking he could quickly apprehend Subject [redacted] in a short distance. Deputy Pellicano ran after the subject east along the south curb line of Whittier Boulevard. Deputy Pellicano stated he drew his weapon within the first few seconds of the foot pursuit and gave Subject [redacted] several commands to stop and get on the ground. The subject did not comply. Deputy Pellicano said he was running to the rear and slightly left of Subject [redacted] in the street.

Within the first few steps of the pursuit, Deputy Pellicano saw the subject reach into his right pants pocket trying to pull his gun out and looking back over his right shoulder at him. Deputy Pellicano could see the metal from the exposed part of the subject's gun gleaming in the lights of the gas station and radio car behind him (West), as Subject [redacted] tried bringing his gun out. Deputy Pellicano knew Deputy De Bondt was close by because he could hear his partner running behind him.

Since Subject [redacted] was looking over his right shoulder at him, Deputy Pellicano stated he wanted to be out of the subject's direct line of fire and prevent the subject from running north across the lanes of traffic. In order to keep the subject from doing so, Deputy Pellicano ran in the street to the rear and left of Subject [redacted] The subject was running in the street but getting progressively closer to the southern sidewalk.

Deputy Pellicano thought the subject was looking back at him to get a fix on his location and could see more of Subject [redacted] gun coming out of his right pocket. To prevent the subject from shooting them, Deputy Pellicano fired two rounds at Subject [redacted] about a second apart and from a distance of ten to fifteen feet behind the subject. Deputy Pellicano said he was running when he fired both rounds and was holding his duty weapon in his right hand using both of his gun's sights to aim at the center mass of Subject [redacted] Deputy Pellicano thought his two rounds missed Subject [redacted] since the subject did not seem to react. He continued to order the subject to stop running and get on the ground. Subject [redacted] failed to comply.

> **IAB Note:** Deputy Pellicano told IAB investigators he fired his first two shots by the mouth of an alley which is just east of 10826 Whittler Boulevard. This alley runs south from Whittier Boulevard then angles west to connect with Norwalk Boulevard. See the crime scene sketch in **Exhibit H** for a depiction of the alley

and for the location of the three shell casings from Deputy Pellicano's firearm.

After the second shot, Subject [redacted] who was still running in the street inches away from the curb line, made a sharp right turn and ran across the low shrubs just south of the curb line. The right side of the subject's body was now closer to Deputy Pellicano. The subject was still trying to pull his gun from his right front pants pocket while looking at Deputy Pellicano to get a fix on his location. Fearing the subject was trying to get a better angle to fire his weapon at the deputies, Deputy Pellicano fired his third round at Subject [redacted] Deputy Pellicano also told the subject to get on the ground.

IAB Note: Subject [redacted] told IAB investigators he heard a deputy telling him to stop and freeze as he ran. Subject [redacted] said he looked over his shoulder and saw a deputy running by his left side. Subject [redacted] admitted to having a gun in his front right pants pocket and that he was planning on throwing it into the bushes as he ran. He decided to go down to the ground on the sidewalk after hearing the third gunshot.

When Subject [redacted] stepped onto the sidewalk he turned his body left (east) then immediately fell down to the ground. Deputy Pellicano said it appeared the subject lost his footing because he slipped and went down landing on his stomach. Deputy Pellicano was not certain if the subject had been hit or was simply complying with commands to get on the ground.

Subject [redacted] was now lying face down on the sidewalk with his arms fully extended above his head. The subject's head was toward the east and his feet were pointed toward the west. Deputy Pellicano approached the subject and put his knee on the subject's back. Deputy Pellicano holstered his weapon and took hold of the subject's hands. At that time, Deputy De Bondt arrived and Deputy Pellicano asked him to handcuff the subject which he did. Deputy Pellicano then retrieved Subject [redacted] gun from his right front pants pocket.

IAB Note: In his IAB interview, Deputy De Bondt said he was not able to broadcast their involvement in a foot pursuit because his radio fell out of its holster as he ran behind Deputy Pellicano and the subject. Deputy De Bondt held onto the microphone cable as he ran and was not able to recover his radio until he stopped at the point where Deputy Pellicano was detaining Subject [redacted] on the sidewalk.

Deputy Pellicano said there had been no pedestrians on the sidewalk in front of them (east) and there was no vehicle traffic in the eastbound lanes of Whittier Boulevard during the foot pursuit and shooting. He noticed there was light traffic in the westbound lanes of Whittier Boulevard and the vehicles were stopped for a red light. Deputy Pellicano said the back drop for all three of his shots was the residential wooden fence covered in leafy shrubs on the south side of Whittier Boulevard. He was cognizant of aiming his shots away from the lanes of traffic on Whittier Boulevard.

When asked about his knowledge the Department's foot pursuit policy, Deputy Pellicano said he was aware that the initiating deputy should broadcast that he is involved in a foot pursuit; however, Deputy Pellicano said that it was not a safe option for him to stop and broadcast his foot pursuit because the subject was trying to pull his gun from his pocket within the first few steps of the chase and could have quickly fired at him or his partner.

Once the subject was handcuffed, Deputy Pellicano said he discussed with Deputy De Bondt what information they should broadcast regarding their foot pursuit and shooting. Deputy Pellicano did not want to broadcast they had been involved in a shooting (998) because the threat posed by the subject was over when he got handcuffed and his gun was recovered. Deputy Pellicano explained that he did not want to put any deputies at risk of injuring themselves in responding quickly to a deputy involved shooting that was no longer active. Deputy De Bondt then broadcast over his hand held radio that they were detaining a suspect with a gun and requested units to set up a containment.

Seconds later, Sergeant Eric Arias arrived on scene and took over control of the crime scene management. Both deputies informed Sergeant Arias they had been involved in a foot pursuit and shooting incident. Approximately a minute later, Sergeant Arias broadcast via his hand held radio that there had been a shooting (998) and requested units to respond Code-3 to their location.

> **IAB Note:** In the radio traffic from the night of the incident, Sergeant Eric Arias (Unit 49D1) arrived on scene approximately forty seconds after Deputy De Bondt's initial 10-33 radio traffic. Approximately a minute after his arrival, Sergeant Arias can be heard advising SCC that he was a sergeant and there had been a 998 at their location. Refer to the audio of the radio traffic in **Exhibit C**.

In his IAB interview, Deputy Pellicano was shown a crime scene photograph taken on the night of the incident which depicted the two magazines he carried in his pouch on his Sam Browne. One of the magazines had seventeen rounds, fifteen of which were flat nose ammunition commonly used for shooting practice at Departmental firing ranges. Deputy Pellicano stated the magazine that was in his gun during the shooting incident was loaded with seventeen rounds of Department approved hollow points. As for the magazine with the practice ammunition, Deputy Pellicano said he had [redacted] and believed he unintentionally placed a magazine he used at the range into the magazine pouch of his Sam Browne.

> **IAB Note:** It should be noted that the chambered round and the fourteen remaining rounds from the magazine in Deputy Pellicano's M&P service weapon on December 23, 2014, were authorized RSXT ammunition. Refer to crime scene photos in **Exhibit B** and the Scientific Services Bureau Supplemental Report on Deputy Pellicano's Firearm in **Exhibit J** for further.

> **IAB Note:** All of the photographs shown to Deputy Pellicano during his IAB interview are included in this investigation in **Exhibit L**. A check of Deputy

Pellicano's [redacted] Refer to Deputy Pellicano's Score Ratings in **Miscellaneous Documents** for further.

For Deputy Pellicano's complete statement, refer to his transcribed interview. Deputy Pellicano documented his actions and observations regarding the incident in a supplemental report that is included with this investigation in **Exhibit A**.

WITNESS STATEMENTS

Witness Deputy Andrew De Bondt, #[redacted] was interviewed by Internal Affairs Bureau Sergeants Carlos Ybarra and Sonja Bracken on March 10, 2015, at 1233 hours. Deputy De Bondt was represented by Audra Call of the Law Offices of Green and Shinee. The interview was conducted at the Internal Affairs Bureau and was digitally recorded and transcribed. The following is a summary of his interview in combination with his supplemental report which is included in this investigation in **Exhibit A**.

Deputy De Bondt stated Deputy Michael Pellicano was his partner on December 23, 2014, and they worked in a no-call saturation patrol car in the unincorporated County area of Whittier. That night, their duties were to patrol the area around Norwalk and Whittier Boulevards in response to a recent rise in crime in the vicinity of that intersection. Deputy Pellicano was driving their patrol car as they drove through the Arco Gas station (Super 8 Gas Station) on the southeast corner of Whittier and Norwalk Boulevards.

Deputy De Bondt and his partner saw a black Chrysler (CA/[redacted]) parked on the southern sidewalk of Whittier Boulevard just east of them. They discussed how the black vehicle looked out of place and suspicious with tinted windows parked on the sidewalk. They drove to the vehicle and Deputy De Bondt did not initially see Subject [redacted] standing near the Chrysler.

Deputy De Bondt and Deputy Pellicano were walking around the black Chrysler looking inside to see if it was occupied. As he was looking inside the vehicle from the passenger side, Deputy De Bondt noticed Subject [redacted] standing about ten to fifteen feet from the driver's side of the Chrysler by a bus stop sign. Deputy De Bondt wrote in his supplemental report that Subject [redacted] was wearing baggy clothing and was in an area known for gang activity. There were no other pedestrians in the area, at the time, and the area was dark except for the illumination provided by their patrol car headlights. Deputy Pellicano told Deputy De Bondt he was going to contact the subject. Deputy De Bondt continued looking inside the Chrysler.

A few seconds later, Deputy De Bondt started walking over toward the bus stop sign where Deputy Pellicano was searching Subject [redacted] Suddenly, the subject broke free from Deputy Pellicano's hold and ran eastbound along the southern curb line of Whittier Boulevard. Deputy Pellicano told Deputy De Bondt that the subject had a gun. Deputy Pellicano ran after Subject [redacted] giving him commands to stop running and

show them his hands. Deputy De Bondt said he also ran after the subject behind Deputy Pellicano. There were no vehicles moving on Whittier Boulevard at the time possibly due to a red traffic signal at the intersection.

Deputy De Bondt said he was running on the southern sidewalk about fifteen feet behind and to the right of Deputy Pellicano, who was about ten feet behind Subject [redacted] in the street. As he ran from them, Deputy De Bondt saw the subject leaning over slightly to his right, as he reached deep into his pants pocket with his right hand. Subject [redacted] looked like he was struggling to pull his gun out. Deputy De Bondt said he saw the silver tip of the butt of a gun as the subject began pulling it up and out of his pants pocket. As Subject [redacted] was pulling the gun out of his pocket, he was looking over his right shoulder at Deputy Pellicano. The subject quickly turned his body to his right toward the pursuing deputies. Fearing that Subject [redacted] was about to shoot at them, Deputy De Bondt drew his own weapon; however, he did not shoot at Subject [redacted] because Deputy Pellicano was ahead of him. Deputy De Bondt did not feel he had a clear line of fire.

When he saw the silver metal butt of the subject's gun coming out of his pants pocket, Deputy De Bondt saw and heard Deputy Pellicano fire two rounds in quick succession at the subject. Deputy Pellicano fired a third shot at the running subject about a second later. After the third shot, Deputy De Bondt wrote that the subject fell to the ground. The deputies and the subject were now in a darker area of Whittier Boulevard. Deputy Pellicano was holding the subject's arms behind his back as Deputy De Bondt arrived seconds later and handcuffed the subject. Deputy De Bondt wrote that he asked the subject where his gun was, to which the subject stated the gun was in his right front pants pocket. Deputy Pellicano then pulled a semi-automatic pistol from Subject Alvarez's right front pants pocket. As Deputy De Bondt placed the subject in the patrol car, Subject [redacted] stated he found the gun in the trash.

Deputy De Bondt said Deputy Pellicano fired all three rounds as he was running in the street. Deputy De Bondt was shown photographs of the area and he said Deputy Pellicano fired his three rounds near the mouth of the alley that runs south from Whittier Boulevard.

> **IAB Note:** All of the photographs shown to Deputy De Bondt during his IAB interview are included in this investigation in **Exhibit M**.

Deputy De Bondt said he was aware that per Department policy he should have made a radio broadcast advising SCC they were in a foot pursuit. Deputy De Bondt explained that as soon as he started running, his portable radio fell out of its holster and began to wrap around his leg. When he grabbed the microphone that was attached to the front of his shirt, the weight of the radio dragging on the ground made him lose hold of the microphone. Deputy De Bondt said he was running with his gun in his right hand and trying to pick up his radio with his other hand while keeping an eye on the subject. By the time he got control of his radio, the subject was already on the ground. Deputy De Bondt put out a 10-33 broadcast that they were detaining a "417" suspect then he

handcuffed the subject. Refer to the audio of the radio traffic from Dispatch 13 on December 23, 2014, in **Exhibit C**.

When asked why he did not mention that he and his partner had been involved deputy involved shooting in his initial 10-33 broadcast, Deputy De Bondt said the incident happened so quickly and he got caught up in the "heat of the moment" (*De Bondt, p17*). Deputy De Bondt added that Sergeant Eric Arias arrived at their location within seconds. After informing him about the incident, Sergeant Arias put out a radio broadcast advising that there had been a deputy involved shooting (998).

For Deputy De Bondt's complete statement, refer to his transcribed interview. Deputy De Bondt documented his actions and observations regarding the incident in a supplemental report that is included with this investigation in **Exhibit A**.

Sergeant Eric Arias, #[redacted] was interviewed by Internal Affairs Bureau Sergeant Carlos Ybarra on April 7, 2015, at 1044 hours. The interview was conducted at Norwalk Station and was digitally recorded and transcribed. The following is a summary of his interview.

Sergeant Arias was assigned to Norwalk Station at the time of the incident. He supervised a five man team composed of three deputies from Norwalk Station and two deputies (Pellicano and De Bondt) from Pico Rivera Station. All five of his deputies were assigned full time to his team. Sergeant Arias explained that his team was funded by a grant from County Supervisor Don Knabe's office and their focus was to work as a crime suppression team in the unincorporated county areas of Norwalk and Pico Rivera Stations.

The entire team would work in the same area together to target specific patterns of crime and Sergeant Arias would remain in the vicinity. Sergeant Arias knew that Deputies Pellicano and De Bondt had worked a radio car as partners before joining his team. He was confident in both deputies' abilities to work on his team.

On December 23, 2014, Sergeant Arias said he was at a nearby "7-11" store when he heard Deputy De Bondt's radio broadcast that they were detaining a "417" suspect. Sergeant Arias responded to their location on Whittier Boulevard east of Norwalk Boulevard. As he approached the location, Sergeant Arias saw Deputies' Pellicano and De Bondt's radio car parked on the southern sidewalk of Whittier Boulevard, east of the gas station. Sergeant Arias parked his radio car behind theirs. He did not immediately see the deputies until bystanders at the gas station advised him that Deputies Pellicano and De Bondt were further east on Whittier Boulevard.

Sergeant Arias found both deputies with the subject about 100 yards east of their radio car. They were on the tree lined southern sidewalk of Whittier Boulevard and it was very dark. When Sergeant Arias walked up to them, Deputies Pellicano and De Bondt had just finished handcuffing Subject [redacted] and were preparing to lift him up on his feet.

Sergeant Arias spoke to Deputy Pellicano first, who informed him about the details that lead up to his contact with Subject [redacted] Deputy Pellicano then explained how he felt a gun in the subject's pants pocket, the ensuing foot pursuit, and shooting incident. Sergeant Arias learned that as they ran east from the black Chrysler, Deputy Pellicano saw Subject [redacted] attempting to remove the gun from his pants pocket. Deputy Pellicano told Sergeant Arias he could see light reflecting off the shiny metal of the subject's gun and that he told the subject to stop running several times.

Deputy Pellicano also told Sergeant Arias that he fired three rounds at Subject [redacted] and that the backdrop of the shots had been a wooden fence on the east side of the mouth of the alley that ran from Whittier Boulevard to Norwalk Boulevard. Sergeant Arias said he was surprised when he first learned there had been a shooting. Sergeant Arias then immediately made a radio broadcast advising SCC that there had been a "998" and that the situation was under control. Sergeant Arias directed more units to respond to their location to contain the crime scene and look for witnesses. Once assisting units arrived, Sergeant Arias told deputies to canvass the residences south of the wooden fence that formed the backdrop of Deputy Pellicano's three shots.

> **IAB Note:** All of the contacts with the residents were documented in supplemental reports in **Exhibit A**. As noted above, there were no injuries to any of the residents south of the wooden fence and no property damage could be located.

Sergeant Arias said he spoke to Deputy De Bondt to confirm which way Deputy Pellicano's rounds had travelled and to gather details about their foot pursuit. Deputy De Bondt told Sergeant Arias that since Deputy Pellicano was the faster runner, they had pre-planned that Deputy De Bondt would put out any radio traffic should they get in a foot pursuit. Deputy De Bondt told Sergeant Arias that he was unable to put out any radio traffic because he had lost control of his radio as he ran behind Deputy Pellicano.

Sergeant Arias said he asked both deputies why they had not broadcast that a shooting had occurred. Neither deputy could give a clear explanation other than the incident happened so quickly. Sergeant Arias discussed with both deputies the importance of putting out a radio broadcast when they become involved in a foot pursuit or a shooting. Both deputies were receptive to this discussion.

For Sergeant Arias' complete statement, refer to his transcribed interview.

[redacted] was interviewed by Internal Affairs Bureau Sergeant Carlos Ybarra on April 14, 2015, at 1500 hours. The interview was conducted in El Monte at [redacted] and was digitally recorded. The following is a summary of his interview.

Mr. [redacted] stated he works for [redacted] which has locations in El Monte and Whittier. Mr. [redacted] stated he owned the black Chrysler 300 that

was parked on the south side of Whittier Boulevard directly across from [redacted] on December 23, 2014.

IAB Note: A vehicle registration check confirmed the black Chrysler (CA [redacted] was registered to [redacted] who resides at [redacted] Refer to the CLETS printout in Detective Andrea Sandoval's supplemental report in **Exhibit A** for further.

He said he had parked his vehicle on the sidewalk because he was picking up some tires at his other store. Mr. [redacted] exited his vehicle and noticed a young male (Subject [redacted], standing a few feet away in the doorway of a building. Since he did not think the young male was waiting for a bus, Mr. [redacted] thought it was best to lock his car.

Approximately five to ten minutes later, he came out of his store and saw a patrol car parked on the southern sidewalk behind his black Chrysler. He then saw two deputies running from his parked Chrysler eastbound on Whittier Boulevard and out of view. Mr. [redacted] went back inside his store to tell his co-workers he was going across the street to move his Chrysler. About three minutes later, Mr. [redacted] exited his tire store and saw two deputies walking a handcuffed male to their patrol car. The male was the same person Mr. [redacted] had seen earlier standing in the doorway of the building. He was not certain if these were the same deputies he saw earlier running from his parked Chrysler. There were other deputies present by then and some of them were putting up yellow caution tape by his Chrysler. He was told he could not remove his car because the deputies were investigating a shooting incident.

Mr. [redacted] said he did not hear the gunshots and had asked his co-workers if they had heard the gunshots. None of his co-workers heard the gunshots.

For [redacted] complete statement to the IAB investigator, refer to his transcribed interview. [redacted] statement to deputies on the night of the incident is documented in Deputies Sandoval's and Jimenez's supplemental reports in **Exhibit A**.

[redacted] was interviewed by Internal Affairs Bureau Sergeant Carlos Ybarra on April 14, 2015, at 1401 hours. The interview was conducted at Mr. [redacted] and was digitally recorded. The following is a summary of his interview.

Mr. [redacted] said that on December 23, 2014, around 1830 hours, he was sitting in the waiting area outside of the [redacted] He was facing west and could see the gas station southwest of the [redacted] Mr. [redacted] also saw a black Chrysler parked across the street from him on the southern sidewalk of Whittier Boulevard. There was no one standing by the black Chrysler at the time. About a minute later, he looked south across the street again and noticed a patrol car was parked behind the black Chrysler. A deputy was walking up the passenger side of the Chrysler looking inside

the car. The deputy then ran eastbound with his hand on his holstered firearm and out of view. Mr. [redacted] did not know why the deputy was running.

Less than ten seconds later, Mr. [redacted] said he heard three gunshots. The other people immediately around him did not react or seem to hear the gunshots. A few minutes later, Mr. [redacted] saw two deputies walking with a male Hispanic [redacted] in handcuffs to their radio car. There were several other deputies in the area by that time.

Mr. [redacted] said the area around the parked black Chrysler and radio car was visible to him but it was dark as the sun had already set. There were no other people in the area of the vehicles even though it was a bus stop area.

For [redacted] complete statement to the IAB investigator, refer to his transcribed interview. [redacted] statement to deputies on the night of the incident is documented in Deputy Warren's supplemental report in **Exhibit A**.

[redacted] was interviewed by Internal Affairs Bureau Sergeant Carlos Ybarra on April 14, 2015, at 1043 hours. The interview was conducted at the Sheriff's Substation at the East Los Angeles College and was digitally recorded. The following is a summary of her interview.

On December 23, 2014, around 1830 hours, Ms. [redacted] was laying on her bed in her bedroom when she heard a male voice say, "Fuck, fuck, fuck." This was followed by three rapid gunshots. Ms. [redacted] became frightened and laid on the floor of her room. Minutes later, she telephoned her [redacted] to notify him about hearing the gunshots. She did not look out of her window until thirty minutes later when she saw several patrol cars in the street and a black car parked on the southern sidewalk of Whittier Boulevard.

Ms. [redacted] explained that her house is on the [redacted] of Whittier Boulevard and [redacted] of Norwalk Boulevard. Her [redacted] bedroom has one window which faces south onto Whittier Boulevard. Ms. [redacted] could not tell where the sound of the male voice she heard came from but believed it could have come from the [redacted] behind her home (southwest).

For [redacted] complete statement to the IAB investigator, refer to her transcribed interview. [redacted] statement to deputies on the night of the incident is documented in Deputies Labella's and Warren's supplemental reports in **Exhibit A**.

SUBJECT STATEMENTS

On December 23, 2014, at 2255 hours, Pico Rivera Station Detectives [redacted] #[redacted] and Eric Callahan #[redacted] interviewed Subject [redacted] at Pico Rivera Station. Their interview was digitally recorded and transcribed. The following is a summary of their interview.

Subject [redacted] told the detectives that he knew he was arrested for being in possession of a gun. Subject [redacted] stated he found the gun in the trash by his home five days prior to the shooting incident with Deputies Pellicano and De Bondt. The subject carried the gun for protection from a rival gang (Whittier Barrio Locos).

Regarding his contact with the deputies, Subject [redacted] said a deputy asked to search him. During the pat down search, the deputy touched the subject's right front pants pocket and found the gun. The deputy told the subject he was under arrest; however, Subject [redacted] said he ran from the deputy out of fear of being arrested with a gun on him. As soon as he took off running, Subject [redacted] said he heard the deputy say, "Oh, fuck. Oh, fuck" ([redacted] *p8*). When he heard the first shot fired by the pursuing deputy, Subject [redacted] thought it was a Taser being fired at him. After hearing the second and third shots, Subject [redacted] put himself on the ground. Subject [redacted] said he did not point his gun at the pursuing deputies. Subject [redacted] stated he did not want to toss his gun on the street where it could easily be found. The subject said he planned on running to a different street to toss his gun in the bushes and keep on running from the deputies.

Subject [redacted] said he hurt his shoulder when he went down to the ground. He had a pre-existing shoulder injury and re-aggravated it when he went down to the ground. Subject [redacted] admitted to being in a member of the "Dead End Locos" street gang and that his moniker was [redacted] At the end of his interview with Detectives [redacted] and Callahan, Subject [redacted] provided a written statement in which he said he had had a gun on him when he was contacted by deputies and how they shot at him.

For Subject [redacted] complete statement to the Pico Rivera Station detectives, refer to his transcribed interview. Detective [redacted] documented his interview with Subject [redacted] in a supplemental report which includes the subject's written statement and are included in this investigation in **Exhibit A**.

IAB Interview of Subject [redacted]

Subject [redacted] was interviewed by Internal Affairs Bureau Sergeants Carlos Ybarra, Justin Diez and [redacted] on December 23, 2014, at 2359 hours. The interview was conducted at Pico Rivera Station and was digitally recorded and transcribed. The following is a summary of the interview.

Subject [redacted] admitted to having a gun in his pants pocket when he was contacted by deputies on the night of the incident. Subject [redacted] said he was waiting for the number 10 bus at a bus stop next to an alley on Whittier and Norwalk Boulevards. The area was pitch black, with the only illumination coming from the vehicles' headlights on Whittier Boulevard. There was a black Chrysler parked on the sidewalk about ten feet away from where he was standing. A Sheriff's radio car pulled up to the Chrysler. Two deputies approached him. One of the deputies asked Subject [redacted] if the Chrysler belonged to him. Subject [redacted] told the deputy the car did not belong to him and that he was waiting for the bus.

The deputy than asked Subject [redacted] if he had anything on his person. The deputy started touching the outside of the subject's pants pockets. When the deputy felt the outside of Subject [redacted] right front pants pocket containing the gun, the deputy told him to put his hands behind his back. When the deputy started to pull the subject's hands toward his back, Subject [redacted] said he took off running because he knew the deputy had found the gun in his pocket. The deputy chased after him saying, "Oh, fuck. Oh, fuck" [redacted] *p3*).

Subject [redacted] said he ran on the sidewalk of Whittier Boulevard away from Norwalk Boulevard. The deputy that had been searching him told him to stop and freeze. As he ran, the subject said he heard two to three gun shots. The subject said he did not know the first two rounds were gunshots because they sounded like a popping noise. Subject [redacted] said he looked back at the deputies as he ran and thought he saw the red light of a Taser pointing at him. He said the Taser was black in color.

> **IAB Note:** On the night of the incident, Deputy De Bondt was carrying a yellow colored Taser in a holster on his right thigh. In his IAB interview, Deputy De Bondt said he drew his firearm from its holster as he ran after Subject [redacted] Deputy Pellicano did not have a Taser that night; however his M&P firearm was equipped with a red laser sight. Refer to the crime scene photographs of Deputies De Bondt and Pellicano in Exhibit B.

There was a deputy running in the street on the subject's left side. After hearing the last gunshot, Subject [redacted] said he recognized it was a gunshot. He jumped from the street and over a bush holding onto his baggy shorts by the waist and laid down on the sidewalk. When he went down to the ground, Subject [redacted] said he re-aggravated an injury to his left shoulder that he sustained a year prior to the incident. Subject [redacted] said he left shoulder easily becomes dislocated and when he jumped over the bush it popped out of place. His shoulder also hurt when he was handcuffed with his arms behind his back. He did not have any other injuries or complaints of pain from his contact with deputies that night.

Subject [redacted] described the gun he was carrying as a gray .22 caliber pistol that he found in the trash by his home about five days prior to his contact with deputies. The subject said he carried the gun for protection from his neighborhood gang (Whittier Barrio Locos). The subject described the deputy that shot at him as having short, spiky blond hair with a large build. When asked, Subject [redacted] said that at no time did he point his gun at the deputies or try to pull it out of his pocket while he was running from them.

For Subject [redacted] complete statement to IAB investigators, refer to his transcribed interview.

Miscellaneous

IAB Lieutenant Carter checked to see that the Watch Commander, Lieutenant Alexandro Villanueva, took reasonable steps to ensure that the involved parties and witnesses did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, as well as the involved parties and witnesses personnel did not collectively consult with their attorney or representative. In addition, Lieutenant Carter checked to see if the watch commander attempted to have the involved parties and witness personnel gather in the company of a supervisor until they have provided a statement to the assigned investigators.